

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Mohamed John Akhtar and
La Buca Restaurant, Inc. d/b/a
Swing 46 Jazz and Supper Club,

Plaintiffs,

v.

Eric Adams, Mayor of the City of
New York, Rohit T. Aggarwala, New
York City Department of
Environmental Protection, Eric I.
Eisenberg, and John and Jane
Does One through Thirty,

Defendants.

Case No. 23-cv-6585 (JGLC)(VF)

**Affirmation of Due Diligence
Attempts to Serve Summons and
Amended Complaint upon
Defendant Eric M. Eisenberg**

I, Anthony N. Iannarelli Jr., of full age, declare and affirm under the penalty of perjury, to the truth of the following:

1. As counsel of record for plaintiffs Mohamed Akhtar and Swing 46, I have received an affirmation of attempts of service of Summons and Amended Complaint upon defendant Eric M. Eisenberg by a private process server.


2. According the the Affiant, Kyle Friedland, License # 2122407, three (3) attempts were made for the service of summons and amended complaint upon defendant Eric M. Eisenberg at his last know address of 454 West 46th Street, New York, New York, but all three (3) were unsuccessful.

AL

3. A true copy of the Affirmation of Unsuccessful Service, dated January 28, 2025, is attached.

I make this affirmation upon information and belief based upon reliance on the contents of the foregoing Affirmation.

Dated: 02/12/2025



Anthony N. Diarelli Jr.
Attorney for Plaintiffs

AFFIRMATION OF DUE DILIGENCE - ATTEMPTS TO LOCATE AND/OR SERVEUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIndex/Case # 1:23-CV-06585-JGLC-VF
Filing Date: October 7, 2024
Court Date:
Client File No.: 20250103140756Client: Guaranteed Subpoena Service, Inc.
Attorney:*Plaintiff*

MOHAMED JOHN AKHTAR AN LA BUCA RESTAURANT, INC. D/B/A SWING 46 JAZZ AND SUPPER CLUB

vs

Defendant

ERIC M. EISENBERG, ETAL

KYLE FRIEDLAND, the undersigned, affirms and states that deponent is not a party to this action, is over the age of eighteen (18) years and resides in the State of New York ; deponent attempted to serve the within:

SUMMONS IN A CIVIL ACTION AND FIRST AMENDED COMPLAINTUpon ERIC M. EISENBERG

the defendant / respondent therein named, and that after due search, careful inquiry and diligent attempts the deponent was unable to effect process upon the person being served because of the following reason(s):

Date/Time: 01/16/2025 16:05:00 Attempt at: 454 W. 46TH STREET, APT. 1ES, NEW YORK, NY 10036 Results: NO ANSWER AT INTERCOM DOWNSTAIRS

Date/Time: 01/17/2025 07:54:00 Attempt at: 454 W. 46TH STREET, APT. 1ES, NEW YORK, NY 10036 Results: NO ANSWER AT INTERCOM

Date/Time: 01/18/2025 18:36:00 Attempt at: 454 W. 46TH STREET, APT. 1ES, NEW YORK, NY 10036 Results: LET INTO BUILDING BY MAN EXITING WHO DID NOT RECOGNIZE NAME WHEN ASKED. NO ANSWER AT APARTMENT DOOR

I affirm on this day January 28, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

KYLE FRIEDLANDLic# 2122407-
JobID 2500453